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Letter dated 14 December 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Namibia to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to forward to the Council Namibia's reaction to the report of the United Nations Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (see annex).

I should be grateful if you could kindly circulate it as a document of the Security Council.

(*Signed*) Gerhard **Theron**
Chargé d'affaires a.i.

01-70139 (E) 181201

Annex to the letter dated 14 December 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Namibia to the United Nations addressed to the President of the Security Council

The Government of the Republic of Namibia refers to the letter dated 10 November 2001 from the Secretary-General to the President of the Security Council, transmitting the addendum to the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (S/2001/1072).

The Panel of Experts was established by the Security Council with the mandate:

- To follow-up on reports and collect information on all activities of illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo, including in violation of the sovereignty of that country;
- To research and analyse the links between the exploitation of the natural resources and other forms of wealth in the Democratic Republic of the Congo and the continuation of the conflict;
- To revert to the Council with recommendations.

Namibia's support for the establishment and mandate of the Panel was and remains to help put an end to the plundering of the natural resources of the Democratic Republic of the Congo, which are being used to fuel the conflict. Our support stems from a deep desire to preserve the sovereignty and territorial integrity of the Democratic Republic of the Congo. The attempt, therefore, to weaken the findings of the main report will call into question the credibility of the Security Council. Furthermore, any relegation of the findings of the main report will have the effect of maintaining the status quo and ignore the relevant Security Council resolutions on the Democratic Republic of the Congo.

It is for these reasons that, on both occasions when the Panel visited Namibia, the Government of the Republic of Namibia rendered all necessary assistance and extended full cooperation in facilitating its meetings with all relevant government authorities as requested.

The Government of the Republic of Namibia, therefore, wishes to make the following corrections to the addendum:

1. In reference to paragraph 87, the Government of the Republic of Namibia strongly objects to the assertion that "the involvement of Namibia in the Democratic Republic of the Congo was based on a personal decision taken by President Sam Nujoma". Decisions of the Government of the Republic of Namibia are taken in accordance with procedures outlined in the Constitution of the Republic of Namibia and those were fully respected in the above-mentioned decision.

2. Namibia currently has 23 officers in the Democratic Republic of the Congo stationed in Kinshasa, for the monitoring of the Ceasefire Agreement on the Democratic Republic of the Congo.

3. Namibia's involvement in the Democratic Republic of the Congo was not motivated by any consideration of profit or promise for compensation. This was

made abundantly clear in paragraph 172 of the main report (S/2001/357) where, in reference to the involvement of Namibia in the Democratic Republic of the Congo, it is stated, inter alia, that "motivation seems to be solely political and strategic (for Angola)". Therefore, at no time did Namibia ask for compensation from President Laurent-Desiré Kabila as implied in the addendum.

4. It is also factually incorrect for the Panel of Experts to state that the Namibian soldiers remaining in the Democratic Republic of the Congo are there to protect the two or three Namibian diamond mines in the Tshikapa area. All the 23 Namibian officers who remained in the Democratic Republic of the Congo are based in Kinshasa at the SADC Allied Headquarters, and nowhere else as the addendum speculates.

5. Furthermore, as a signatory to the Lusaka Ceasefire Agreement, Namibia has six military officers in the Democratic Republic of the Congo serving as members of the Joint Military Commission and the Regional Joint Military Commission to monitor the full implementation of the peace process in the Democratic Republic of the Congo.

6. Namibia also does not operate any mines in the Democratic Republic of the Congo. The Tshikapa area where exploration was done by August 26-Congo, a subsidiary of August 26 Holding Company, has neither been exploited, nor were any mining proceeds extracted, or any production realized to claim profits, as suggested by the Panel of Experts in the addendum. It is therefore illogical to expect August 26 – Congo to register profits in the Namibian budget, when it has no mining activities in the Democratic Republic of the Congo.

The Government of the Republic of Namibia is committed to the implementation of all Security Council resolutions on the situation in the Democratic Republic of the Congo, in particular resolution 1304 (2000), and calls on all Member States to do likewise. While the international community should do all it can to stop the plundering of the natural resources of the Democratic Republic of the Congo, the sovereignty and territorial integrity of the Democratic Republic of the Congo should be respected.

The addendum is oblivious to the aggression committed against the Democratic Republic of the Congo and as such is silent on the non-withdrawal of the aggressor forces from the Democratic Republic of the Congo.

The Government of the Republic of Namibia reiterates its support for the recommendations contained in document S/2001/357 of 12 April 2001, and will reject any attempt to dilute those findings and recommendations.

(*Signed*) Theo-Ben **Gurirab**, MP
Minister